

BROKEN ARROW CITY COUNCIL MEETING MINUTES
April 15, 2002

1. The Broken Arrow City Council met in regular session in the City Hall Council Chambers on Monday, April 15, 2002, at 7:30 P.M. Mayor James C. Reynolds called the meeting to order.

Present: Mayor James C. Reynolds
Vice-Mayor Tony Petrik
Councilman Richard Carter
Councilman Craig Thurmond
Councilman Wade McCaleb

Staff Present: Michael D. Kadlecik, City Manager
Justin Cook, Director of Engineering
Brent Murphy, Assistant City Planner
Jay Heinrichs, Controller
Carolyn Kusler, Police Chief
Dave McCann, Purchasing Supervisor
Ron Osborn, Fire Chief
Brenda Ray, Administrative Services Director/City Clerk
Michael Vanderburg, City Attorney
Dave Wooden, Public Works Director

3. Mayor Reynolds led the Council and audience in the pledge of allegiance.

4. The Council considered the regular Council meeting minutes of April 1, 2002.

Motion by Petrik, second by Carter to approve the minutes of April 1, 2002.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

5.A. The Council considered the Presentation of and authorization for the Mayor to execute a proclamation declaring April 22-28, 2002: "Team Impact Week" in Broken Arrow. Mayor Reynolds introduced Bill Kirks of Arrow Heights Baptist Church. Mr. Kirks described the activities of Team Impact who motivate, inspire and guide students.

Motion by Petrik, second by Carter to approve the proclamation for Team Impact Week in Broken Arrow.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None

Motion carried.

Mayor Reynolds read the proclamation and presented it to Mr. Kirks.

5.B. The Council considered the Presentation of donations from the Metropolitan Environmental Trust. A spokesperson for the M.E.T. stated this is the second year of the M.E.T. operating the center which has recently been proclaimed the busiest recycling center in Oklahoma and even surpasses Tulsa's curbside recycling program. He then presented checks to Broken Arrow Neighbors, Future Farmers of America (FFA) and the Broken Arrow High School Band and stated a donation of 12 polywood benches made of recyclable materials will be made to the Broken Arrow Parks Department.

Mayor Reynolds recognized 2 members of Boy Scout Troop 935 who were in attendance at the meeting.

5.C. The Council considered the Presentation by the City's "Patriotism Committee" and possible approval of the Committee's proposed program of events. Councilman McCaleb introduced the Patriotic Committee members who were present and went through the activities planned for a Flag Day parade, which is one of the objectives of the committee that was formed in November 2001.

Mayor Reynolds complimented the committee's work. Vice-Mayor Petrik noted the committee has done stellar work in a very short period of time. Councilmen Carter and Thurmond echoed their appreciation of the committee's work. Councilman McCaleb stated this will be the 225th anniversary of Flag Day.

Motion by Petrik, second by Carter to approve the proposal and compliment the work of the Patriotism Committee.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

5.D. The Council considered the Public hearing to abate general public nuisances. City Manager Michael Kadlecik noted there is a revised list.

Motion by Petrik, second by Carter to declare the lots a public nuisance and authorize the lots to be abated at costs to the property owner of \$225.00 per hour and if the costs are not paid, to authorize the City Clerk to certify the costs as a lien against the property.

Edwin Powell, 3200 W. Washington St., asked for an extension to April 20, 2002.

Motion by Petrik, second by Carter to approve a modified motion to allow the property owner on Washington Street until midnight April 21, 2002.

Brandon Riley, 4788 S. 211th E. Ave., stated he has lived on the property for four years and was recently annexed. He stated he is a mechanic and is dismayed with the actions of the City with regard to vehicles he is repairing and that he was not notified of the annexation. He also reported a neighbor who has goats and dogs in the same pen. Mr. Riley stated he would like for the City to allow him to keep a 1972 Challenger vehicle which he gave to his eldest son when he was born. He also expressed concern with safety for his children from vehicles speeding on 209th E. Ave and stated the only benefit he received from annexation is trash service. Mayor Reynolds stated he believes Mr. Riley has recited more issues than what the Council is dealing with on the public nuisance. Mr. Riley stated that police protection has been non-existent. Mr. Riley stated he has removed much of the debris that was in his yard and the car is in an area of his 1.5 acres that can not be seen from the road. Vice-Mayor Petrik asked that the car issue be checked into by staff. Mr. Riley stated he would like an exemption on his home operated business, as was given to his neighbor. Mr. Riley was asked to contact the City Attorney.

Motion by Petrik, second by Carter to modify the motion to allow an additional 7 days for Mr. Riley to remedy the nuisance with the Chief Building Inspector to inspect it with Mr. Riley.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

6. The Council considered the Citizen's Opportunity to Address the Council. Mona Miron, 1030 N. Juniper Pl., stated she had a sewer back-up occur on January 25, 2002, filed a tort claim in mid to late February and has never been contacted by the City. She stated she is concerned about the day care next door and noted the electrical system has been turned off and will have to be replaced and the warmer weather may create a health hazard. City Manager Michael Kadlecik stated the staff will be looking at this tort claim tomorrow. Councilman McCaleb inquired if any measures have been taken by the City to sanitize the property. Public Works Director Dave Wooden stated the yard was disinfected the next day and noted he could put HTH on the ground to take care of some of the odor problems.

7.A. The Council considered nominations to fill vacancies on the Broken Arrow Economic Development Authority created by the expired terms of Tony Petrik and Neely Kimbrough. Mayor Reynolds nominated Tony Petrik and Kelley Rash to the vacancies on the Broken Arrow Economic Development Authority.

Motion by McCaleb, second by Thurmond to nominate Tony Petrik and Kelley Rash to fill the vacancies on the Broken Arrow Economic Development Authority.

Aye: McCaleb, Thurmond, Carter, Reynolds

Nay: None

Motion carried.

Vice-Mayor Petrik was not in the room and unavailable for the vote.

7.B. The Council considered nominations to the Broken Arrow Home Finance Authority, Positions 1 thru 5. Mayor Reynolds stated the Authority was effective during times of higher interest rates and in order to keep it alive the Authority must meet once each year, which has been difficult. Mayor Reynolds nominated Richard Carter, Craig Thurmond, Tony Petrik, James Reynolds and Wade McCaleb for positions 1-5 respectively.

Motion by Petrik, second by Carter to accept the nominations of Richard Carter, Craig Thurmond, Tony Petrik, James Reynolds and Wade McCaleb for positions 1-5 respectively for the Broken Arrow Home Finance Authority.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

7.C. The Council considered the bids received and awarding of the most advantageous bid for a postage machine. City Manager Michael Kadlecik presented the item.

Motion by Petrik, second by Carter to approve the purchase of the postage machine meeting specifications submitted by OME, Inc. in the amount of \$21,395.00.

Jim London, Broken Arrow resident employed by Pitney Bowes, stated their service has been flawless according to City Employees. He stated the machine of OME does not meet mandatory features in 1B and 1C according to correspondence from Neosport, the manufacturer of their product. He said the major benefit of their system is that it processes mail that is nested, non-nested, sealed and unsealed in one setting. Mr. London asked that their alternate bid that does not meet the $\frac{3}{4}$ " specification be accepted. Jim McKittrick stated the Paragon system the City has now meets the specification on running the four types of mail through in one setting. Mr. Kadlecik asked that this item be tabled to allow staff to investigate. Councilman McCaleb inquired about the maintenance costs for the 2nd through 5 years. Mr. Kadlecik stated this information will be provided.

Motion by Petrik, second by Carter to table the item and refer to staff for further investigation.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

City Clerk Brenda Ray stated the staff was able to check OME's machine at PSO and it met the $\frac{3}{4}$ " thickness test, but does not process nested, non-nested, sealed and unsealed mail in one continuous operation, nor does the Pitney Bowes machine the City now possesses. Mr. London stated Pitney Bowes would make good on this problem.

7.D. The Council considered the bids received and awarding of the most advantageous bid for a pumper/tanker apparatus. City Manager Michael Kadlecik presented the item. Councilman Thurmond questioned the weight and load capabilities of this truck on bridges and substandard county roads. Mr. Kadlecik stated this truck meets the City's specifications.

Motion by Petrik to approve the purchase of one Pumper/Tanker Apparatus and to accept the fourth low bid from Precision Fire Apparatus in the amount of \$273,756.00.

Fire Chief Ron Osborn stated the weight limits are not applicable to Fire Departments and he has driven many trucks of 54,000 pounds. He stated the City's trucks carry 51,000 g.v.w. dual axles for this weight truck would be unusual and expensive. Chief Osborn also noted the Fire Department is running the ladder truck on these roads presently and it weighs 52,000 g.v.w. Chief Osborn stated he would like an award tonight and allow staff to reduce the gallonage if required.

Mayor Reynolds stated he believes this interferes with the City Manager's and the Fire Chief's authority to write specifications and seconded the motion. Councilman Thurmond asked for a continuance until the next meeting.

Aye: McCaleb, Carter, Petrik, Reynolds

Nay: Thurmond

Motion carried.

Councilman Thurmond stated his nay vote is based upon his concerns that the truck should be a dual axle.

7.E. The Council considered authorization for the Mayor to execute a contract with gh2 Gralla Architects LLC for engineering of the Youth Community Center. City Manager Michael Kadlecik presented the item and stated the firm has a good relationship with Tulsa Engineering and Planning who is doing the site work. In response to Councilman McCaleb, City Engineer Justin Cook stated the rest of the construction monies will be used for infrastructure. Mr. Cook stated there is no gymnasium in this construction but it could be provided for in future enlargements.

Motion by Petrik, second by Carter to authorize the Mayor to execute a contract with gh2 Gralla Architects LLC for engineering of the Youth Community Center at a cost not to exceed \$63,240.00.

In response to a question from the audience, Mr. Cook stated construction should begin this fall and there will be several different contracts. He stated the center will be ready for occupancy in August 2003.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

8. The Council considered the City Manager's report. City Manager Michael Kadlecik reported the Creek Turnpike section between the Muskogee Turnpike and Elm Place opened today without any prior notice to anyone in the City.

9. The Council considered the Ordinances for preview.

- A. An ordinance closing a utility easement dedicated to the public, located at Lots 4 and 5, Block 11, Oak Creek South, an addition to the City of Broken Arrow, Wagoner County, Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency.
- B. An ordinance partially closing a utility easement dedicated to the public, located at Lot 13, Block 3, Berkshire, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof, providing for reservation of rights within the closed easement, and declaring an emergency.
- C. An ordinance annexing a certain contiguous tract of land in Section 2, Township 17 North, Range 14, East of the Indian Base and Meridian, Tulsa County, Oklahoma, into the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency.
- D. An ordinance annexing certain contiguous tracts of land in Section 3, Township 17 North, Range, 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, into the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency.

City Attorney Michael Vanderburg presented the preview ordinances and stated a protest petition was received on the annexations in Section 3. Cheryl Perkins, 12809 S. 161st E. Ave., stated she did not receive notice of this and wants to know how her water plant business and fireworks stands will be affected by annexation. Mr. Vanderburg stated the fireworks stands would be allowed for two years after annexation and the wholesale plant operation would be a lawful non-conforming use. Mrs. Perkins stated her property has been split and the business is on one side and her residence is on the other. Mr. Vanderburg stated the property could be zoned agriculturally if a variance is given on the 5-acre minimum lot size, which would permit the plant sales. Mrs. Perkins was encouraged to visit with the Planning Department between now and the May 6, 2002 meeting.

Motion by Petrik, second by Carter to place these ordinances on the May 6, 2002 agenda for adoption.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None
Motion carried.

10. The Council considered the Ordinances for adoption.

A. Ordinance No. 2442

An ordinance amending all of the existing Broken Arrow Code, Section 7-211(A) inclusive, by altering the charges made for ambulance service received from the City of Broken Arrow, Oklahoma; providing for an effective date; repealing all ordinances to the contrary; and declaring an emergency.

B. Ordinance No. 2443

An ordinance amending the Broken Arrow Code by creating Chapter 25, establishing a system of stormwater management, creating a utility rate and other fee structures, imposing general watershed development requirements, imposing floodplain development requirements, providing for administration, providing for enforcement, repealing all ordinances in conflict therewith, providing for severability, and declaring an emergency.

Motion by Petrik, second by Carter to adopt Ordinance Nos. 2442 & 2443.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

Motion by Carter, second by Petrik to adopt emergency clauses on Ordinance Nos. 2442 & 2443.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

11. The Council considered the Consent Agenda.

A. Approval of payroll of April 26, 2002.

B. Approval of and authorization for the Mayor to execute a proclamation declaring April 22-26, 2002: "National Volunteer Appreciation Week" in Broken Arrow.

C. Approval of and authorization for the Mayor to execute a proclamation declaring April 15-19, 2002: "Senior Citizens Week" in Broken Arrow.

- D. Approval of and authorization for the Mayor to execute a proclamation declaring May 6-10, 2002: “Teacher Appreciation Week” in Broken Arrow.
- E. Approval of request from First Baptist Church for use of a public address system on the property at 100 West Albany Street and the use of “No Parking” signs on Elm Place from the Expressway bridge north to its dead end, between the hours of 10:30 a.m. and midnight on June 29, 2002.
- F. Approval of and authorization for the Mayor to execute a Grant Agreement through its Visitors and Special Events Board for \$20,000.00 from the Hotel/Motel Tax Funds to the Broken Arrow Youth Baseball program for the 2002 CABA and USSA World Series tournaments to be held in the summer of 2002.
- G. Approval of request to permit one fireworks stand at the southeast corner of 23rd (County Line) and Angus Drive and one at the northeast corner of 23rd (County Line) and Albany (61st), both for the period ending July 6, 2002, at 11:59 p.m.
- H. Approval of request to permit one fireworks stand at the northwest corner of 101st and 193rd East Avenue, for the period ending 11:59 p.m. on July 6, 2002.
- I. Consideration of appointments to the Broken Arrow Public Golf Authority: Matt Brown and Tony Petrik for additional 6-year terms and Connie Kelsey to serve the unexpired term of Jack Hayhurst.
- J. Consideration of appointments to the Broken Arrow Visitors and Special Events Board: Patsy Terry and Chuck Hanna for additional 3-year terms and Kim Baker to fill the unexpired term of Danny Nixon.
- K. Consideration of appointments to the Broken Arrow Hospital Authority: Bill Baldwin and Scott Graham for an additional 3-year terms.
- L. Approval of renewal - Mobile Home Permit No. 6, 5 acres net area (gross site 164+ acres), east of County Line Road (193rd) on the north side of New Orleans (101st), A-1, Caretaker’s Mobile Home (Camp Russell Indian Nations Council of Boy Scouts).
- M. Approval of renewal – Mobile Home Permit No. 7, 70.9 acres, north of Jasper, between Olive (129th) and Aspen (145th), R-1, horse pasture and two residential trailers (Broach).

- N. Approval of renewal – Mobile Home Permit No. 14, 27.3 acres, 7501 South Garnett Road, one-half mile north of Houston Street (81st) and east of Garnett Road, R-1, SP 50 (Liberty Church).
- O. Approval of renewal – Mobile Home Permit No. 17, 10 acres, one-half mile west of Elm Place (161st), north of Washington Street (91st), R-1, SP 4 (The Salvation Army).
- P. Approval of DEQ permit for the construction of sewer line and appurtenances to serve the Chalmers Auto Mall (Tract C).
- Q. Acceptance of Deed of Dedication from Buford Williams (S34 T19N R14E) (Project: 51st Street right-of-way).
- R. Approval of Claims List.

Motion by Carter, second by Thurmond to approve the Consent Agenda.

Aye: McCaleb, Thurmond, Carter, Reynolds
Nay: None
Abstain: Petrik
Motion carried.

12. There were no items removed from the Consent Agenda.

13. Under Remarks and Inquiries by Governing Body Members Councilman McCaleb noted the Youth City Council's mock City Council meeting will be held on April 29, 2002 at 4:00 p.m.

Motion by Petrik, second by Carter to recess to Broken Arrow Municipal Authority before returning for Executive Session.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

The Mayor reconvened the regular City Council meeting at 9:20 p.m.

Motion by Petrik, second by Carter to have a short recess before going into Executive Session.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

The Mayor reconvened the regular City Council meeting at 9:29 p.m.

Motion by Petrik, second by Carter to proceed into Executive Session.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

14. Executive Session: Executive Session for the purpose of confidential communications between the City Council and its attorney concerning possible settlement concerning our \$26,000 judgment in BA v. Joe and Rebecca Wilson under 25 O.S. ¶ 307B4. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Reynolds reconvened the regular Council meeting at 9:39 p.m.

Motion by Petrik, second by Carter to deny the settlement offer in BA v. Joe and Rebecca Wilson.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

15. Adjournment

Motion by Thurmond, second by Carter to adjourn.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds

Nay: None

Motion carried.

The meeting was adjourned.

BROKEN ARROW MUNICIPAL AUTHORITY MEETING MINUTES
April 15, 2002

1. The Broken Arrow Municipal Authority met in regular session in the City Hall Council Chambers on Monday, April 15, 2002, after the Broken Arrow City Council meeting, which began at 7:30 p.m. Chairman James C. Reynolds called the meeting to order. Authority members present were as follows:

Present: Mayor James C. Reynolds
Vice-Mayor Tony Petrik
Councilman Richard Carter
Councilman Craig Thurmond
Councilman Wade McCaleb

Staff Present: Michael D. Kadlecik, City Manager
Justin Cook, Director of Engineering
Brent Murphy, Assistant City Planner
Jay Heinrichs, Controller
Carolyn Kusler, Police Chief
Dave McCann, Purchasing Supervisor
Ron Osborn, Fire Chief
Brenda Ray, Administrative Services Director/City Clerk
Michael Vanderburg, City Attorney
Dave Wooden, Public Works Director

3. The Authority considered approval of minutes of regular meeting of April 1, 2002.

Motion by Petrik, second by Carter to approve the minutes of April 1, 2002.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

4. The Authority considered approval of payroll of April 26, 2002.

Motion by Petrik, second by Thurmond to approve payroll of April 26, 2002.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

5. The Authority considered the claims list.

Motion by Carter, second by Petrik to approve the claims list.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

6. There were no Remarks and Inquiries by Governing Body Members.
7. Motion by Petrik, second by Carter to adjourn.

Aye: McCaleb, Thurmond, Carter, Petrik, Reynolds
Nay: None
Motion carried.

The meeting was adjourned.